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PART—I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN PLOT NO. 2, SECTOR-17, PANCHKULA

ORDER

The 16th September, 2010

No. SEC/3ME/2010/3039.—The General Election to Municipal Committee, Kalayat, District Kaithal, was held

on 20th January, 2008. Sh. Giani Ram contested the election from Ward No. 8 and was declared elected. As per provision contained in Section 13 D and 13 E of the Haryana Municipal Act, 1973, every contesting candidate of Municipal Committee is required to maintain his election expenditure account from the date of his nomination till the declaration of result. Further in accordance with the order dated 19th December, 2006 of the State Election Commission, he is required to submit the election expenditure statement within 30 days from the date of declaration of the result of the election, to the Deputy Commissioner or any other officer, authorized by the State Election Commission. Sh. Giani Ram failed to do so. Consequently, he was disqualified and was removed from the office of Councillor *vide* this Commission's order No. SEC/3ME/2009/8894, dated 3rd September, 2008.

2. Aggrieved with the order of the Commission's order, Sh. Giani Ram filed a Civil Writ Petition No. 17555 of 2009 in the Hon'ble Punjab & Haryana High Court challenging the same. The Hon'ble Punjab & Haryana Court disposed the writ *vide* their order dated 22nd July, 2010, with the following directions :

"After hearing learned counsel for the parties, this Court is of the view that once the State Election Commission, Haryana, has exercised its power to condone the delay in case of Sat Pal, the petitioner cannot be treated differently. The power to condone the delay vests in the State Election Commission. As per learned counsel for the petitioner, it has been exercised in a number of cases. This Court cannot become oblivious of the fact that there was delay of three months on the part of the petitioner to furnish the return of election accounts. The petitioner has reasonably explained that his brother was suffering from Hepatitis - E, a life threatening disease, due to which later on he had died. Therefore, he could not file his return of election expenditure within the specified time. The will of the people, on technicality, cannot be ignored. Therefore, it is ordered that the State Election Commission, considering the observation made in this order, shall reconsider the entire matter sympathetically.

Hence, the present writ petition is disposed of. The petitioner shall appear before the State Election Commission, Haryana, on 10th August, 2010 and furnish all the documents, in support of contentions noticed in this order. The State Election Commission, Haryana is directed to take a decision within one month from the date of appearance of the Petitioner."

3. In pursuance of the orders of the High Court, Sh. Giani Ram was asked to appear in the Commission for hearing on 10th August, 2010. After hearing, order/decision was reserved. One Sh. Gulab Singh, Councillor, Municipal Committee, Kalayat filed a representation dated 10th August, which was received in the Commission on the same day after the hearing in this case. In view the representation, a hearing was fixed again on 23rd August, 2010. A notice alongwith a copy of the representation was sent to Sh. Giani Ram as well as Sh. Gulab Singh.

4. On 23rd August, 2010, Sh. Giani Ram alongwith Shri Hariom, Advocate, Shri Gulab Singh appeared before me. In addition, Sh. Jaideep Rana, Vice President, M.C. Kalayat and Sh. Rajesh Kumar, M.C., Kalayat were present.

5. The parties were heard. Shri Atri, Ld. Counsel for Sh. Giani Ram, raised a preliminary objection saying that the application of Sh. Gulab Singh could neither be entertained nor he could be impleaded as party for the reasons that in the Writ Petition No. 17555 of 2008, in which Hon'ble High Court had passed the orders referred to in para 2 above, Sh. Gulab Singh had moved an application for impleading him as a party but the same was rejected by the Hon'ble High Court. In view of this position, the Counsel of Sh. Giani Ram further argued that the matter was between the State Election Commission and the Giani Ram and none, including Shri Gulab Singh, could be impleaded as parties and heard. He also added that the case of Giani Ram is to be decided in terms of the orders of the High Court.

6. On the other hand, Sh. Gulab Singh pleaded that he belongs to the Backward Class and in case any adverse order is passed, the post of President would be filled by Backward Class and as such he was a necessary party and should be heard so that the case could be decided on merits.

7. Sh. Jaideep Rana, Vice President, M.C., Kalayat said that Sh. Giani Ram had twisted the facts. He added that there is a big Government Hospital in Kalayat, where Sh. Giani Ram's brother could have taken treatment. Further, he has not produced any laboratory report to the effect that his brother was suffering from Hepatitis-B. He has also stated that in Satpal's case, he himself was suffering from pneumonia whereas in this case, it is the brother of Sh. Giani Ram, who was suffering and death also took place after six months. Therefore, Giani Ram could not take advantage of the case of Satpal.

8. After hearing the parties, order was reserved in this case, which is now being decided through this order. The records show that both Sh. Sat Pal and Sh. Giani Ram contested the general election held on 20th January, 2008

from Ward No.9, Municipal Committee Nilokheri and Ward No.8, Municipal Committee, Kalayat respectively. Sh. Sat Pal submitted his election expenditure statement on 19th December, 2008 and Sh. Giani Ram on 19th May, 2008. In his reply dated 19th December, 2008 to the show cause notice as why he should not be disqualified as he had not filed the election expenditure statement in time, Sh. Satpal had explained that he could not submit the account due to the reason that he was suffering from pneumonia and in the meantime, trouble started in his brother's leg and his bua also expired. Sh. Sat Pal submitted the required account on 19th December, 2008. Not satisfied with the Sat Pal's explanation, the State Election Commissioner disqualified him, which also meant and included removal from the office of Councillor. Aggrieved with the order, Sh. Sat Pal filed a writ in the High Court who had set aside the same and directed the Commission to reconsider the case of the petitioner (Sh. Sat Pal). It was directed that the petitioner Sh. Sat Pal would be liberty to place before the Commission the material to show bonafide beyond reasons and for reasons beyond his control. In pursuance of the High Court's orders, Sh. Sat Pal was given a hearing by the Commission. Sh. Sat Pal produced a medical certificate and a death certificate. It was also argued that it was the first election after introduction of the Amendment Act, *vide* which Sec. 10A of the RP. Act became applicable for the municipal elections. Taking a lenient view, the State Election Commission condoned the delay in filing the election expenditure account.

9. In view of the orders of the Hon'ble High Court, I have reconsidered that matter. Sh. Giani Ram's plea is that his brother was suffering from Hepatitis B who had expired on 15th July, 2008, because of which, he could not submit his election expenditure account in time. As mentioned above, he filed the account on 19th May, 2008. Sh. Sat Pal had filed election expenditure account on 19th December, 2008, seven months after Sh. Giani Ram did. The reasons for not filing account in time in both cases are more or less similar. In fact, there was considerable delay in filing the account in case of Sh. Sat Pal. Therefore, Sh. Giani Ram could also be exempted to file his election expenditure beyond the prescribed time limit. Accordingly, the delay in filing the election expenditure is condoned and the order of disqualification and removal from the office of Councillor issued *vide* No SEC/3ME/2009/8894, dated 3rd September, 2008 is filed.

10. It is further directed that a copy of the order be communicated to all concerned and got notified in the Haryana Government Gazette.

Panchkula :

The 16th September, 2010

DHARAM VIR,

State Election Commissioner, Haryana.

राजस्व विभाग

युद्ध जागीर अधिसूचना

दिनांक 17 सितम्बर, 2010

क्रमांक 1312-ज-2-2010/12636.—श्री हेत राम पुत्र स्व० श्री गोपाल राम निवासी गांव दानली, तहसील नारनौल, जिला महेन्द्रगढ़ को पूर्वी पंजाब युद्ध पुरस्कार अधिनियम, 1948 की धारा 2(ए) (1.) तथा 3(1ए.) के अधीन सरकार की अधिसूचना क्रमांक 1519-ज-1-1979/41295, दिनांक 17 अक्टूबर, 1979 द्वारा 150/- रुपये वार्षिक की दर से युद्ध जागीर मंजूर की गई थी। इसके पश्चात् सरकार की अधिसूचना क्रमांक 1789-ज-1-1979/44040, दिनांक 30 अक्टूबर, 1979 द्वारा 300/- रुपये वार्षिक, अधिसूचना क्रमांक 2944-ज-2-93/15918, दिनांक 26 जून, 1993 द्वारा 1000/- रुपये वार्षिक तथा इसके पश्चात् अधिसूचना क्रमांक 1434-ज-2-2002/9460, दिनांक 12 जून, 2002 द्वारा 5000/- रुपये वार्षिक की दर से इस युद्ध पुरस्कार अनुदान में संशोधन किया गया था।

2. अब श्री हेत राम की दिनांक 22 अप्रैल, 2010 को हुई मृत्यु के परिणामस्वरूप हरियाणा के राज्यपाल, उपरोक्त अधिनियम (जैसा कि उसे हरियाणा राज्य में अपनाया गया है और उसमें आज तक संशोधन किया गया है) की धारा 4 के अधीन प्रदान की गई शक्तियों का प्रयोग करते हुए इस जागीर को स्व० हेत राम की पत्नी श्रीमती नानची देवी के नाम फसल रबी, 2010 से 10000/- रुपये वार्षिक की संशोधित दर से सनद में दी गई शर्तों के अन्तर्गत तबदील करते हैं।

चण्डीगढ़ :

दिनांक 31 अगस्त, 2010

महेश स्वामी,

अवर सचिव, हरियाणा सरकार,

राजस्व एवं आपदा प्रबन्धन विभाग।